



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Masayuki Takayama, et al. Examiner: Sharad Rampuria
Application No.: 09/621,045 Confirmation No.: 4035
Filed: July 21, 2000 Group Art Unit: 2683
For: MOBILE TELEPHONE SET

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attn: Dwayne D. Bost
Special Program Examiner
Technology Center 2600

DECLARATION OF ANNA VISHEV

I, Anna Vishev, hereby declare that:

1. I am an attorney granted with a power of attorney in the above-identified patent application.
2. I am providing this declaration to affirm that I have performed a search of the file jacket and docket record in connection with the above-identified patent application. Based on that search it has been determined that we do not have a copy of the Notice of Allowance dated October 24, 2003 that was purportedly mailed to the offices of Schulte Roth & Zabel LLP or any evidence of the Notice of Allowance ever having been received.
3. Attached is a true copy of a redacted printout of a docket record for the period of September 30, 2003 to the present for the above-identified patent application. The docket record indicates that the only items received during this period for the above-identified patent application were the EP Search Report, docketed on September 30, 2003, and the Notice of Abandonment, which is the subject of this Declaration and accompanying petition.

4. If a Notice of Allowance dated October 24, 2003 had been received by our docket department, in accordance with our standard practices and procedures it would have been recorded in the docket system and the following entries would have appeared on the attached docket record:

<u>Action(s) Due</u>	<u>Due Date</u>	<u>Action Taken</u>
Notice of Allowability	24-Oct-2003	Received 24-Oct-2003
Notice of Allowance	24-Oct-2003	Received 24-Oct-2003
Issue Fee Due	24-Jan-2004	Due Date

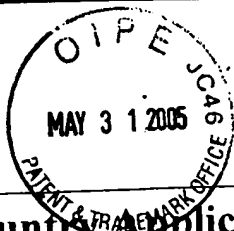
5. Moreover, had we received a Notice of Allowance dated October 24, 2003 there would have been no logical reason to file the Supplemental IDS dated September 3, 2004, eight months after the date the Issue Fee was due to be paid in the above-identified patent application.

6. In view of the foregoing, it is my belief as confirmed by review of the file, our docket record and our practices and procedures, that we never received a Notice of Allowance in the above-identified patent application.

7. I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and, further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Anna Vishev
Anna Vishev

May 27, 2005
Date



Country Application

Monday, February 14, 2005

List Of Actions

<u>Action(s) Due</u>	<u>Due Date</u>	<u>Action Taken</u>
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REDACTED

EP Search Report Rec'd	30-Sep-2003	Received	30-Sep-2003
STATUS CHECK	26-Aug-2004	Due Date	26-Aug-2004
Supplemental IDS	10-Sep-2004	Filed	03-Sep-2004
Notice of Abandonment Rec'd	13-Jan-2005	Received	13-Jan-2005
STATUS CHECK	28-Feb-2005	Due Date	

User ID: nelsonw

Date Created: 02-Jul-2001

Last Update: 26-Aug-2004



POSTCARD (TO BE FILED WITH A RESPONSE)

ATTORNEY: JCG/DT/ja DOCKET NO.: 848075/0016

PATENT APPLICATION FOR: MOBILE TELEPHONE SET

INVENTORS: Masayuki Takayama, et al.

SERIAL NO.: 09/621,045 FILING DATE: July 21, 2000 DATE MAILED: September 3, 2004

THE FOLLOWING HAS BEEN RECEIVED IN THE U.S. PATENT OFFICE ON THE DATE STAMPED HEREON:

<input checked="" type="checkbox"/> Certificate of Mailing (Regular)	<input type="checkbox"/> Certified Priority Document
<input type="checkbox"/> Petition for Extension of Time	<input type="checkbox"/> Appeal Brief, Filing Fee \$
<input type="checkbox"/> Declaration	<input type="checkbox"/> Formal Drawings: No. of Sheets
<input type="checkbox"/> Power of Attorney	<input type="checkbox"/> Terminal Disclaimer: Fee \$
<input type="checkbox"/> Transmittal Form	<input type="checkbox"/> Authorization to Charge Deposit Account 50-0675
<input type="checkbox"/> Request of Corrected Filing Receipt	<input checked="" type="checkbox"/> Check in the amount of \$ 180.00
<input type="checkbox"/> Recordation	
<input type="checkbox"/> Assignment + Fee \$	<input type="checkbox"/> Petition: Fee \$
<input checked="" type="checkbox"/> Information Disclosure Statement: 2 pages Form PTO 1449 with 6 References	
<input type="checkbox"/> Amendment/Response: Petition for Extension of Time, Fee \$	
<input type="checkbox"/> Amendment Transmittal: Filing Fee \$	
<input type="checkbox"/> Missing Parts of Application Transmittal Filing Fee \$	
<input type="checkbox"/> Notice of Appeal: Filing Fee \$	

Other

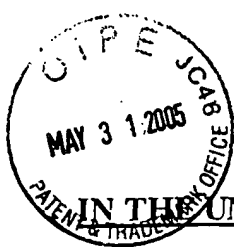
9713635.1

FIRST CLASS



Schulte Roth & Zabel LLP
919 Third Avenue
New York, New York 10022
Attention: IP Docketing Department

9713635.1



Attorney Docket No. 848075/0016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Masayuki Takayama, et al. Examiner: Sharad Rampuria
Application No.: 09/621,045 Confirmation No.: 4035
Filed: July 21, 2000 Group Art Unit: 2683
For: MOBILE TELEPHONE SET

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

In order to comply with the duty of disclosure under 37 C.F.R. §1.56, transmitted herewith is a Supplemental Information Disclosure Statement (IDS) in connection with the above-identified application. The Supplemental IDS is being submitted after the mailing date of a first office action but before mailing of a final action under 37 C.F.R. §1.113. In accordance with 37 C.F.R. §1.97(c), the Supplemental IDS is being accompanied by the fee set forth under 37 C.F.R. §1.17(p).

Enclosed herewith are copies of six (6) referenced documents, which are listed on the accompanying Form PTO/SB/08A, a check in the amount of \$180.00 in payment of the fee set forth under 37 C.F.R. § 1.17(p), and duplicate copies of this Supplemental IDS transmittal form and Form PTO/SB/08A.

The Commissioner is hereby authorized to charge payment of any additional fees required under 37 C.F.R. § 1.17 or due in connection with the paper(s) transmitted herewith, or credit any overpayment of same, to Deposit Account No. 50-0675, Order No. 848075.0016.

It is respectfully requested that these references be fully considered by the U.S. Patent and Trademark Office and printed on any patent which may issue on this application. Applicants request that a copy of Form PTO/SB/08A, as considered and initialed by the Examiner, be returned with the next communication.

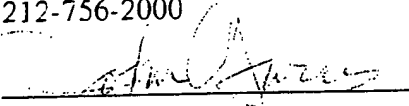
Prompt consideration of this Supplemental Information Disclosure Statement is respectfully requested.

Respectfully submitted,

Schulte Roth & Zabel LLP
Attorneys for Applicant
919 Third Avenue
New York, NY 10022
212-756-2000

Dated: September 3, 2004
New York, New York

By:


John Garces, Esq.
Reg. No. 40,616

Enclosures

CERTIFICATE OF MAILING

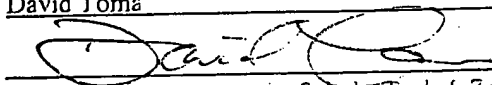
Date of Deposit: September 3, 2004

I hereby certify under 37 C.F.R. 1.8 that this correspondence and enumerated documents are being deposited with the United States Postal Service as First Class Mail with sufficient postage on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Name:

David Toma

Signature:



Schulte Roth & Zabel, LLP


 MAY 31 2005
 CIVIL SERVICE OFFICE 9405

Approved for use through 07/31/2006. OME 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

(Use as many sheets as necessary)

Complete if Known

Application Number	09/621,045
Filing Date	July 21, 2000
First Named Inventor	Masayuki Takayama, et al.
Art Unit	2683
Examiner Name	Sharad Rampuria
Attorney Docket Number	848075/0016

Sheet	1	of	2
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U. S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ^c
		Country Code ² -Number ⁴ -Kind Code ⁵ (# known)				
		EP 0310325 A2	04-05-1989			
		JP 02141034	05-30-1990			

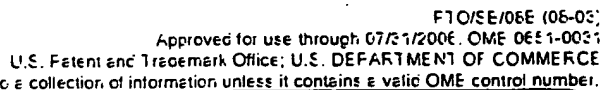
**Examiner
Signature**

Date
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 801.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.9E. The information is required to obtain or retain a benefit by the public which is to file (and by the USFTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USFTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-F70-9199 (1-800-766-9199) and select option 2.



Substitute for form 1449/PTO

(Use as many sheets as necessary)

Sheet	2	of	2
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Complete if Known

Application Number	09/621,04E
Filing Date	July 21, 2000
First Named Inventor	Masayuki Takayama, et al.
Art Unit	26E
Examiner Name	Sharad Rampuria
Attorney Docket Number	848075/0016

NON PATENT LITERATURE DOCUMENTS

[illegible]

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MFEF 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional); 2 Applicant is to place a check mark here if English language translation is attached. This collection of information is required by 37 CFR 1.58. The information is required to obtain or retain a benefit by the public which is to be made by the USPTO to process an application. Confidentiality is governed by 35 U.S.C. 122 and 37 C.F.R. 1.54. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form, and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OF COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

If you need assistance in completing the form, call 1-800-F7C-5155 (1-800-772-5155) and select option 1.